

1 **JAMES R. GREINER, ESQ.**
2 CALIFORNIA STATE BAR NUMBER 123357
3 **LAW OFFICES OF JAMES R. GREINER**
4 555 UNIVERSITY AVENUE, SUITE 290
5 SACRAMENTO, CALIFORNIA 95825
6 TELEPHONE:(916) 649-2006
7 FAX: (916) 920-7951

5 || ATTORNEY FOR DEFENDANT
LIBORIO RUIZ LOPEZ, JR.

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) CR.-S-03-362-GEB
11 PLAINTIFF,) STIPULATION AND PROPOSED ORDER
12 v.) TO CONTINUE STATUS CONFERENCE
13 LIBORIO RUIZ LOPEZ, JR.,et al.,)
14 DEFENDANTS.)

Plaintiff United States of America, by its counsel, Assistant United States Attorney, Mr.
17 Phillip A. Talbert, and defendant Liborio Ruiz Lopez, Jr., by his counsel James R. Greiner, hereby
18 stipulate and agree that the status conference calendared for **Friday, December 16, 2005, at 9:00**
19 **a.m.** before the Honorable District Court Judge Garland E. Burrell, Jr. shall be continued to **Friday,**
20 **February 3, 2006, at 9:00 a.m.**

Time can be excluded from the speedy trial act due to the fact that the government and the defendant are continuing in the process of discussions and negotiations in a good faith effort and attempt to resolve this matter short of trial; the co-defendant in this case has already pled guilty and is set for sentencing in late January, 2006, and all counsel need that time to ensure the co-defendant's sentencing does go forward as all counsel believe it will; defense counsel is in the second of three back to back to back murder with special circumstances trials in state Court in Sacramento County

1 (People v. Kathryn E. Potter 02F07057) which began in the middle of October and is now scheduled
2 to last into the first week of January, 2006; government and the defense continue to have many
3 discussions regarding this case and have had face to face meetings which were very productive and
4 both sides are diligently working toward a resolution in this case short of trial; additional time is
5 needed to accomplish this task; investigation by the parties is on going during the good faith efforts
6 at negotiating a resolution short of trial; the parties have been sharing information and continue to
7 share information in the on going good faith efforts at resolving this matter; when new information is
8 presented it is being investigated by both sides.

9 The parties stipulate and agree that time shall be excluded **through Friday, February 3,**
10 **2006, under Title 18 section 3161(h)(8)(B)(ii) and Local Code T-4.**

11 || Respectfully submitted,

McGREGOR W. SCOTT
UNITED STATES ATTORNEY

/s/ PHILLIP A. TALBERT by telephone authorization

DATED: 12-12-05

PHILLIP A. TALBERT
ASSISTANT UNITED STATES ATTORNEY
ATTORNEYS FOR THE PLAINTIFF

/s/ JAMES R. GREINER

JAMES R. GREINER
ATTORNEY FOR DEFENDANT LOPEZ, JR.

ORDER

IT IS SO ORDERED.

22 || DATED: December 14, 2005

/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge